

communications "relevant to the merits" of a proceeding. The final rule's definition of ex parte communications substitutes the words "relevant to the merits" of an adjudicatory proceeding for the words "concerning the merits" of an adjudicatory proceeding, which appear in the current rule.

Comment Received

The OCC received one comment on its proposal. The comment supported the proposal and suggested that the OCC explain the so-called "Chinese wall" that prevents those staff members involved in the prosecutorial function from communicating with those who advise the Comptroller on a particular matter. The final rule specifically sets out the APA's separation of functions provision, which prohibits agency prosecutorial personnel in one case from participating in the Comptroller's decision on that or a factually related case.

The final rule prohibits prosecutorial staff from communicating about the merits of a case with those staff members who advise the Comptroller regarding a final decision in the case. Therefore, the OCC believes that it is unnecessary, in a rulemaking, to set out the OCC's internal procedures for maintaining the statutorily required communication barrier. In conformance with the APA and this rule, OCC investigative and prosecutorial staff do not make communications to decisional employees that are relevant to the merits of an adjudicatory proceeding without putting the communications on the record and without giving reasonable prior notice to all parties.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, the OCC hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required.

The final rule makes a minor amendment to a rule of practice already in place and affects agency procedure exclusively. Thus, it will not result in additional burden for regulated institutions. The purpose of the proposal is to conform the provisions of the regulation to those imposed by statute.

Executive Order 12866

The OCC has determined that this rule is not a significant regulatory action as defined in Executive Order 12866.

Unfunded Mandates Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104-4 (Unfunded Mandates Act) (signed into law on March 22, 1995) requires that an agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. As discussed in the preamble, this final rule is limited in application to the internal procedures of the OCC. The OCC has therefore determined that the final rule will not result in expenditures by State, local, or tribal governments or by the private sector of more than \$100 million. Accordingly, the OCC has not prepared a budgetary impact statement or specifically addressed the regulatory alternatives considered.

List of Subjects in 12 CFR Part 19

Administrative practice and procedure, Crime, Investigations, National banks, Penalties, Securities.

Authority and Issuance

For the reasons set out in the preamble, part 19 of chapter I of title 12 of the Code of Federal Regulations is amended as follows:

PART 19—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 19 is revised to read as follows:

Authority: 5 U.S.C. 504, 554-557; 12 U.S.C. 93(b), 164, 505, 1817, 1818, 1820, 1831o, 1972, 3102, 3108(a), and 3909; 15 U.S.C. 78(h) and (i), 78o-4(c), 78o-5, 78q-1, 78u, 78u-2, 78u-3, and 78w; and 31 U.S.C. 330.

2. In § 19.9, paragraphs (a)(1) and (b) are revised and a new paragraph (e) is added to read as follows:

§ 19.9 Ex parte communications.

(a) *Definition*—(1) *Ex parte communication* means any material oral or written communication relevant to the merits of an adjudicatory proceeding that was neither on the record nor on reasonable prior notice to all parties that takes place between:

(i) An interested person outside the OCC (including such person's counsel); and

(ii) The administrative law judge handling that proceeding, the Comptroller, or a decisional employee.

* * * * *

(b) *Prohibition of ex parte communications.* From the time the notice is issued by the Comptroller until the date that the Comptroller issues his or her final decision pursuant to § 19.40(c):

(1) No interested person outside the OCC shall make or knowingly cause to be made an ex parte communication to the Comptroller, the administrative law judge, or a decisional employee; and

(2) The Comptroller, administrative law judge, or decisional employee shall not make or knowingly cause to be made to any interested person outside the OCC any ex parte communication.

* * * * *

(e) *Separation of functions.* Except to the extent required for the disposition of ex parte matters as authorized by law, the administrative law judge may not consult a person or party on any matter relevant to the merits of the adjudication, unless on notice and opportunity for all parties to participate. An employee or agent engaged in the performance of investigative or prosecuting functions for the OCC in a case may not, in that or a factually related case, participate or advise in the decision, recommended decision, or agency review of the recommended decision under § 19.40, except as witness or counsel in public proceedings.

Dated: June 2, 1995.

Eugene A. Ludwig,

Comptroller of the Currency.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95-SW-13-AD; Amendment 39-9252; AD 95-12-02]

Airworthiness Directives; Hiller Aircraft Corporation Model UH-12A, UH-12B, UH-12C, UH-12D, and UH-12E Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Hiller Aircraft Corporation (Hiller) Model UH-12A, UH-12B, UH-

12C, UH-12D, and UH-12E helicopters. This action requires a dye-penetrant inspection of the head of the main rotor outboard tension-torsion (T-T) bar pin for cracks; a visual inspection of the outboard T-T bar pin for proper alignment, and an adjustment, if necessary; and, installation of shims at the inboard end of the drag strut. This amendment is prompted by two accidents involving failure of the outboard T-T bar pin on Hiller UH-12E helicopters. The actions specified by this AD are intended to prevent cracks in the head area of the outboard T-T bar pin, which could result in loss of in-plane stability of the main rotor blade and subsequent loss of control of the helicopter.

DATES: Effective on June 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of June 23, 1995.

Comments for inclusion in the Rules Docket must be received on or before August 7, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95-SW-13-AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from Hiller Aircraft Corporation, 7980 Enterprise Drive, Newark, California 94560-3497. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Matheis, Aerospace Engineer, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, California 90712-4137, telephone (310) 627-5235, fax (310) 627-5210.

SUPPLEMENTARY INFORMATION: This amendment adopts a new AD that is applicable to Hiller Model UH-12A, UH-12B, UH-12C, UH-12D, and UH-12E helicopters. This AD is prompted by two accidents, both involving Model UH-12E helicopters, in which failure of the outboard T-T bar pin, part number (P/N) 51452, was subsequently determined to be the cause of the accidents. The Hiller Model UH-12E helicopter main rotor system design is similar to the main rotor system design of the Hiller Model UH-12A, UH-12B, UH-12C, and UH-12D helicopters. The

outboard T-T bar pin extends from the main rotor blade root fork and serves as an attachment point for the inboard end of the main rotor blade drag strut. The drag strut fixes the in-plane stability of the main rotor blade and transfers the drag forces applied by the main rotor blade to the main rotor hub.

The National Transportation Safety Board (NTSB) issued Safety Recommendation A-94-189, dated November 30, 1994, which states that both failures resulted from fatigue cracks that originated from the bolt through-hole of an outboard T-T bar pin. The NTSB investigation revealed that improper alignment and excessive play between the outboard T-T bar pin and the inboard end of the drag strut can introduce large operating stresses in the head of the outboard T-T bar pin. A fracture of the outboard T-T bar pin allows the main rotor blade to rotate freely about the blade hub, resulting in a loss of in-plane stability. Any cracks in the head of the outboard T-T bar pin create an unsafe condition. Due to the criticality of the outboard T-T bar pin in maintaining main rotor blade stability, and the relatively short compliance time, this AD is being issued immediately to correct an unsafe condition. The actions required by this AD include an inspection for cracks in the head of the outboard T-T bar pin using a dye-penetrant inspection method; an inspection to ensure the proper alignment of the outboard T-T bar pin; and, the installation of shims between the inboard end of the drag strut and the outboard T-T bar pin. The FAA has determined that correcting any misalignment can reduce large stresses, and can therefore reduce the likelihood of cracking the head of the outboard T-T bar pin. That condition, if not corrected, could result in loss of in-plane stability of the main rotor blade and subsequent loss of control of the helicopter.

The FAA has reviewed Hiller Aviation Service Bulletin (SB) No. 51-9, dated April 8, 1983, which describes procedures for the installation of shims between the inboard end of the drag strut and the outboard T-T bar pin; and Hiller Aviation Service Letter (SL) 51-2, dated March 31, 1978, which describes procedures for an inspection to ensure proper alignment of the outboard T-T bar pin, and an inspection of the head of the outboard T-T bar pin for cracks using a dye-penetrant inspection method. The FAA has determined that the compliance times prescribed in those service documents are not adequate to ensure safety of flight, and is revising those compliance times in this AD.

Since an unsafe condition has been identified that is likely to exist or develop on other Hiller Model UH-12A, UH-12B, UH-12C, UH-12D, and UH-12E helicopters of the same type design, this AD is being issued to prevent cracks in the head area of the outboard T-T bar pin. This AD requires, within 25 hours time-in-service (TIS) or at the next 100 hours TIS inspection, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS: (1) an inspection of the alignment of the outboard T-T bar pin and an adjustment, if necessary; and (2) an inspection for cracks in the head of the outboard T-T bar pin using a dye penetrant inspection method. Additionally, this AD requires, within 25 hours TIS or at the next 100 hours TIS inspection, whichever occurs first, the installation of shims between the inboard end of the drag strut and the outboard T-T bar pin. The procedures to perform these actions are required to be accomplished in accordance with the service bulletin and service letter described previously, but in accordance with the compliance times stated in this AD.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments,

in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 95-SW-13-AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR section 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

95-12-02 Hiller Aircraft Corporation:

Amendment 39-9252. Docket No. 95-SW-13-AD.

Applicability: Model UH-12A, UH-12B, UH-12C, UH-12D, and UH-12E helicopters, certificated in any category.

Note 1: This AD applies to each helicopter identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For helicopters that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (e) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any helicopter from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent cracks in the head area of the main rotor outboard tension-torsion (T-T) bar pin, which could result in loss of in-plane stability of the main rotor blade and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS) after the effective date of this AD, or at the next 100 hours TIS inspection, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS, inspect the alignment of the outboard T-T bar pin, part number (P/N) 51452, and adjust the alignment, if necessary, in accordance with Hiller Aviation Service Letter (SL) 51-2, dated March 31, 1978.

(b) Inspect the head of the outboard T-T bar pin for cracks using a dye-penetrant inspection method.

(c) Report the results of the dye-penetrant inspections required by paragraph (b) of this AD within 7 days following each inspection to the Manager, Los Angeles Aircraft Certification Office, Attention: Charles Matheis, ANM-120L, 3960 Paramount Blvd., Lakewood, California 90712-4137. Include the helicopter model number, serial number, and total TIS of the outboard T-T bar pin in the report. Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120-0056.

(d) Within 25 hours TIS after the effective date of this AD, or at the next 100 hours TIS inspection, whichever occurs first, install shims between the inboard end of the drag strut and the outboard T-T bar pin in accordance with the Accomplishment Instructions of Hiller Aviation Service Bulletin No. 51-9, dated April 8, 1983.

(e) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR sections 21.197 and 21.199) to operate the helicopter to a location where the requirements of this AD can be accomplished.

(g) The inspections, modifications, and adjustments, if necessary, shall be done in accordance with Hiller Aviation Service Bulletin No. 51-9, dated April 8, 1983, and Hiller Aviation Service Letter 51-2, dated March 31, 1978. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Hiller Aircraft Corporation, 7980 Enterprise Drive, Newark, California 94560-3497. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(h) This amendment becomes effective on June 23, 1995.

Issued in Fort Worth, Texas, on May 25, 1995.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM95-5-001; Order No. 577-A]

Release of Firm Capacity on Interstate Natural Gas Pipelines

Issued May 31, 1995.

AGENCY: Federal Energy Regulatory Commission; Energy.

ACTION: Final rule; order granting rehearing.

SUMMARY: The Federal Energy Regulatory Commission is amending its capacity release regulations, which permit shippers to release capacity without having to comply with the Commission's advance posting and